

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROBERT EDWARD POWELL,

Petitioner,

v.

COUNTY OF SACRAMENTO
DISTRICT ATTORNEY, et al.,

Respondents.

No. 2:20-CV-0043-WBS-DMC-P

FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 22, 2020, the Court dismissed Petitioner's petition and directed Petitioner to file an amended petition within 30 days that names the correct respondent. Petitioner was warned that failure to file an amended petition may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. To date, Petitioner has not complied. While Petitioner filed an amended petition on May 18, 2020, Petitioner has not complied with the Court's order that he name the correct respondent.

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1 In light of Petitioner's failure to file an amended petition as directed, the Court
2 finds that dismissal of this action is appropriate. See Local Rule 110.

3 Based on the foregoing, the undersigned recommends that this action be
4 dismissed, without prejudice, for lack of prosecution and failure to comply with court rules and
5 orders.

6 These findings and recommendations are submitted to the United States District
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
8 after being served with these findings and recommendations, any party may file written
9 objections with the court. Responses to objections shall be filed within 14 days after service of
10 objections. Failure to file objections within the specified time may waive the right to appeal.
11 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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13 Dated: October 30, 2020

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', is written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE